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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. 2010-19

13 **LAURIE ANN PINDEL**
14 1623 Oliver Avenue, #A
San Diego, CA 92109

ACCUSATION

15 Registered Nurse License No. 585906

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Heidi J. Goodman (Complainant) brings this Accusation solely in their official
21 capacity as the Assistant Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 20, 2001, the Board of Registered Nursing issued Registered
24 Nurse License Number 585906 to Laurie Ann Pindel (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein, and will
26 expire on December 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

". . . ."

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

". . . ."

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1 8. Section 492 of the Code states:

2 “Notwithstanding any other provision of law, successful completion of any diversion
3 program under the Penal Code, or successful completion of an alcohol and drug problem
4 assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of
5 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
6 (commencing with Section 500) of this code, or any initiative act referred to in that division, from
7 taking disciplinary action against a licensee or from denying a license for professional
8 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record
9 pertaining to an arrest.

10 “‘This section shall not be construed to apply to any drug diversion program operated by any
11 agency established under Division 2 (commencing with Section 500) of this code, or any
12 initiative act referred to in that division.’”

13 9. Section 4060 of the Code states:

14 “No person shall possess any controlled substance, except that furnished to a person upon
15 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
16 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
17 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
18 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
19 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph
20 (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the
21 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
22 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
23 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
24 with the name and address of the supplier or producer.

25 “Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
26 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
27 devices.”

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10. Health and Safety Code section 11350, subdivision (a), states:

“Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison.”

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUG AT ISSUE

12. Cocaine is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(6).

CAUSE FOR DISCIPLINE

(Unprofessional Conduct- Unlawful Possession of Controlled Substance)

13. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (a), in that on or about November 13, 2008, she unlawfully possessed the controlled substance cocaine in violation of Code section 4060 and/or Health and Safety Code section 11350, subdivision (a). The circumstances are as follows:

a. On or about November 13, 2008, an officer from the San Diego County Sheriff's Department, after a consensual search, found cocaine in Respondent's purse.

b. On or about December 11, 2008, in a criminal proceeding entitled *People v. Laurie Ann Pindel*, in San Diego County Superior Court (North County Division), Case Number

1 CN253903, Respondent pled guilty to violating Health and Safety Code section 11350,
2 subdivision (a) [unlawful possession of a controlled substance], a felony.

3 c. On or about that same date, Respondent was sentenced by the criminal court as
4 follows: Respondent's application for deferred entry of judgment granted for 18 months under
5 Penal Code section 1000.

6
7 PRAYER


8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 585906 issued to Laurie
11 Ann Pindel;

12 2. Ordering Laurie Ann Pindel to pay the Board of Registered Nursing the reasonable
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions
14 Code section 125.3; and

15 3. Taking such other and further action as deemed necessary and proper.

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17 DATED: 7/20/09


Assistant Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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